

1 **SPINELLI, DONALD & NOTT**

A Professional Corporation

2 DOMENIC D. SPINELLI, SBN: 131192

J. SCOTT DONALD, SBN: 158338

3 601 University Avenue, Suite 225

Sacramento, CA 95825

4 Telephone: (916) 448-7888

Facsimile: (916) 448-6888

5
6 Attorneys for Defendants County of
Siskiyou; Jeremiah LaRue and Jesus
Fernandez, in their official capacities
7 as members of the Siskiyou County
Sheriff's Department and in their individual
8 capacities; Brandon Criss, Ed Valenzuela,
Michael N. Kobseff, Nancy Ogren, and
9 Ray A. Haupt, in their official capacities
as members of the Siskiyou County Board
10 of Supervisors and in their individual
capacities; Edward Kiernan, in his official
11 capacity as County Counsel for Siskiyou
County and in his individual capacity;
12 and DOES 1-100.

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA

15 SACRAMENTO DIVISION

16 Dilevon Lo, Jerry Vang, Nathan Thao, Mao
Thao, Pao Lee, Antonio Lee, Koua Lee, Nhia
17 Thai Vang, Zeng Lee, Der Lee and Khue Cha

18 Plaintiffs,

19 vs.

20 County of Siskiyou; Jeremiah LaRue and
Jesus Fernandez, in their official capacities as
members of the Siskiyou County Sheriff's
21 Department and in their individual capacities;
and Brandon Criss, Ed Valenzuela, Michael
22 N. Kobseff, Nancy Ogren, and Ray A. Haupt,
in their official capacities as members of the
23 Siskiyou County Board of Supervisors and in
their individual capacities; Edward Kiernan,
24 in his official capacity as County Counsel for
Siskiyou County and in his individual
25 capacity; and DOES 1-100,

26 Defendants.
27
28

Case No.: 2:21-cv-00999-KJM-DMC

**DEFENDANTS' OBJECTIONS TO THE
AFFIDAVIT OF KHUE CHA DATED
JUNE 11, 2021 (CM/ECF NO. 9-10)**

Complaint Filed: June 4, 2021

First Amended Complaint Filed: July 15, 2021

Date: August 6, 2021

Time: 10:00 AM

**[FEES EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

Defendants hereby submit their objections to the three affidavits filed to date by Khue Cha in support of Plaintiffs' original motion for TRO and preliminary injunction and the current motion for preliminary injunction.

Material Objected To:	Grounds for Objection:	Ruling on Objection:
Affidavit of Khue Cha June 11, 2021, ¶1 "My wife and I were born in Laos and escaped from there after the war in Southeast Asia. We stayed in a refugee camp in Thailand for four years before immigrating to the United States."	Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶2 "My wife and I don't have a source of water on our property in Siskiyou County and we have always been dependent on water trucks for water. We don't have a relative with a well and can't get water locally."	Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶3 "Now that the county will not allow us to get water from water trucks, my wife and I have to travel to Mt. Shasta City every other day and bring home 100 gallons of water in 20 five gallon jug from the creek."	Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶4 "My wife has suffered back injuries and it is hard for her to carry the heavy bottles."	Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶5 "The lack of water has made my wife and I depressed and has made us physically ill."	Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶6 "On or around May 24, 2021, my wife and I were getting water from the creek in Mt. Shasta City. A worker from the park approached us and asked us if we were selling the water or using it for growing marijuana plants. After we explained it was for our personal needs like drinking and	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____

1	washing clothes the worker left us alone.”		
2	¶7	Hearsay. (FRE 801)	Sustained: _____
3	“On several other occasions, other locals besides the park worker have treated us badly because we are Asian.	Irrelevant.	Overruled: _____
4	For example, every time my wife and I shop at the local Tractor Supply store the manager is rude to us and will not help us find items in the store.”	Prejudicial, confusing and misleading (FRE 403)	
5			
6			

7 Dated: July 29, 2021

SPINELLI, DONALD & NOTT

9 By /s/ J. Scott Donald
10 J. SCOTT DONALD
11 Attorneys for Defendants